THE COURTS.

Stay Granted Against Receiver of Samuel Wood's Estate.

EXONORATED FROM LIABILITY.

Caught Through an Officer's Simulated Sleep.

On application of Mesurs. Chatfield & Ransom, as counsel, Judge Donohue, of the Supreme Court, granted ex parte yesterday an order staying all pro-ceedings on the part of Frederick Lewis, the collec-The order was made in connection with proceedings to have the collector punished for contempt of court in having disobyed the order of Judge Daniels, enjoining him from interfering with the estate pending the decision of a motion for his removal. It is also alleged in connection with these proceedings that the bond of the collector is irregular. The order to show cause why the collector should not be punished for contempt is returnable on the 8th inst. There was also another feature of the case to have been heard in the Surrogate's Court yesterday, but it was adjourned to the 7th inst. when Mr. Simonson, one off the executors, will be asked to tell all he knows about books, papers, &c., belonging to the estate. The order was made in connection with proceedings

DISCHARGED FROM ARREST.

Some time since John Swanton, Louis Schradt and foseph Flood, turee Deputy Collectors of the Third listrict, were charged before United States, Commis-Shields with criminal negligence in having slower Shields with criminal negligence in having allowed a keg of whiskey to be carried away from an illicit stiff, belonging to one Lyncu, at No. 340 belancey street, while in their charge. After a long and thorough examination, the government being represented by Assistant District Fiere, and the accused by ex-Judge A. J. Dittenhoefer, the Commissioner has now rendered his decision. In it he says:—"The syidence was conflicting, but I cannot refrain from raying that the defendants were careless in the discharge of their duties, and that they should have used greater care with the property intrusted to their charge, to the end that the same might not be lost or stelee. But the whole testimony raises such a reasonable doubt of the guilt of the accused that I am antisfied that a case of probable cause has not been mane out under the statute, and the defendants are therefore discharged.

WIDE AWAKE.

While Officer Bayer, of the Tenth precinct, whe had attended a German picnic at one of the uptown parks in citizen's clothes, on the evening of the 24th of August last, was on his way home through the Bowery, he saw a man whom he suspected to be a pickpocket. He thereupon sat down on the steps of a Bowery store and leigned to be asleep. A faw minutes later he was approached by the man he was in hopes of capturing, who shook him on the kace and told him to get up, but the ellicer made no repry, and to a moment afterward left the thier at tempt to steal his watch and chain. He at once seized the thief and took him to the station house, where he gave the name of Michael McMahon, and his residence as No. 515 Kast Sixteenth street. On being arraigned in the Court of General Sessions, yesterday, the prisoner pleaded guilty, and Recorder Hackett sent him to the Penitentiary for one year. August last, was on his way home through the

A CARELESS BONDSMAN.

Oscar Spiller, who described himself as a physician and chemist, aged forty-two years, and as formerly tending at No. 21 Great Jones street, was arraigned resterday by Assistant District Attorney Herring, in Part 2 of the Court of General Sessions, on the charge of perjury. From the testimony of Mr. John E. McGowan, clerk of Judge Bixby's court, the accused went batl for Peter Rufel, committed upon a charge of assault, swearing at the time that he was not bail for any one cise. Subsequently it was discovered that Spiller was on a number of other bonds and that several judgmonts were against him upon forfeited recognizances. Messrs. Kinzing & Mouiton, counsel for the prisoner, called Spiller as a witness, and he admitted daving awors as alleged against him, but claimed that he had been imposed upon by some unscrupulous lawyers, who induced him te go bail. Counsel contended that the laise swearing was neither wiful nor corrupt. Judge Glidersleeve charged the jury upon the law. The jury, after two hours' deliberation, reported that they could not agree and were discharged. The prisoner was remanded.

SUMMARY OF LAW CASES. James McGarron, who was some time since charged before United States Commissioner Osborn with having appropriated to his own use a portion of pension noney due to his ward from the government, had the

United States Commissioner Betts, whose resignadon as Clerk of the District Court has been accepted, will to-day turn over his office to his successor. Mr. Lyman. Colonel Betta returns to the practice of law, and will take with him as managing clerk Mr. Thomas Alexander, who has been an assistant clerk under

Lyman. Constitute with him as managing clerk air. Thomas and will take with him as managing clerk air. Thomas Alexander, who has been an assistant clerk under him since 1867.

Michael Wanl, who is sought to be extradited to Germany on a coarge of having committed torgery in Stuttgart, was brought before United states Commissioner Kenneta G. White yesterday. The prisoner was represented by ex-Jauge A. J. Dittenhocier and the German government by ex-tovernor Salomou. Alter some consultation between counsel the hearing was adjourned to the 3d inst.

A passionate youth, who works in a lumber yard, and who gave his name as Bernara F. Hegan and his address as No. 149 Bank street, was charged with having, on the 25th of September last, assaulted his aged

ing, on the 25th of September last, assaulted his aged mother by sariking her on the head with his clouched first. The accused was placed on trial yesterday by Assistant District Attorney Lyon in Part 2 of the Court of General Seasions, Judge Gildersleeve presiding The evidence for the proceeding his wife. The jury lound him a state of intoxication, and on being reprimanded committed the alleged assault. The prisquer, on his ewn behalf, said he merely pushed her because she was abusing his wife. The jury lound him gurity, and he was sontanced to six months in the Peninentary.

Samuel Glazer offered himself as surely in the matter of the yacht Ada, which was recontly libelled by the government, and tostified to owning property of which he was not owner. He was then charged with perjury before United States Commissioner Betts, and was allowed to go on his own recognizance and the assurance of his counsel that he would appear for examination on the day to which an adjournment had been taken. He tailed to appear and a warrant was instead for his arrest. He was taken into custody on Saturday night by Deputy Marshala Waddels and Jones and longed in Ludlow Street Jail.

COURT CALENDARS-THIS DAY. Supreme Court—Chambers—Held by Judge West-brook.—Court opens at half-past ten o'clock A. M. Calendar called at eleven o'clock. Nos. 67, 126, 141, 221, 229, 236, 235, 243, 244, 245, 253, 256, 280, 261, 262, 263, 264, 265. 262, 263, 264, 265.
SUPERSION COURT.—SPECIAL TREE—Held by Judge
Van Vorst.—Court opens at twelve o'clock. No day calendar.

Common Pleas—Special Tern—Held by Judge J.
F. Daly.—Court opens at ten o'clock. No day calen-

COMMON PLEAS—SPECIAL TERM—Held by Judge J.
F. Daily.—Court opens at ten o'clock. No day calender.

COURT OF GENERAL SESSIONS—Part 1.—Held by Recorder Hackett.—The People vs. James McManus, homicide; Same vs. Andrew Smith, leionious assault and obttery; Same vs. William J. Thompson, mayhem; Same vs. Fractis J. Moley, grand larceny; Same vs. William J. Thompson, mayhem; Same vs. Fractis J. Moley, grand larceny; Same ws. Mary Keily, isrceny from the person; Same Mary Gibson, larceny from the person; Same Mary Gibson, larceny from the person; Same Vs. John Giller, felonious assault and battery; Sames vs. James O'Donnell, felonious assault and battery; Same vs. James O'Donnell, felonious assault and battery; Same vs. Frack Clancy, grans larceny; Same vs. John Smith, larceny from the person; Same vs. Michael Donolne, larceny from the person; Same vs. Michael Donolne, larceny from the person; Same vs. Michael Donolne, Lewin K. Mattheson, grane larceny; Same vs. Eawin K. Mattheson, grane larceny; Same vs. Eawin K. Mattheson, grane larceny; Same vs. Revin K. Mattheson, grane larceny; Same vs. Robert Jackson and Henry Morris, petit larceny; Same vs. Robert Jackson and Henry Morris, petit larceny; Same vs. George Whiting and Jane Stobbins, violation battery.

COURT OF APPEALS.

ALBANY, N. Y., Sept. 30, 1878. In the Court of Appeals, Munday, September 30, 1878. Present, Hon. Sanford E. Churcu and asso-

No. 123. Owen Finnerty, by his guardian, &c., respondent, vs. James It. Preside, appellant. - Argued by W. P. Frentice for appellant and Frederick A. Ward for responder.

for respondent.

No. 19. Lymen A. Bardin, respondent, vs. William D. Stovenson, administrator, &c., appellant.—Argued by James Gibson for appellant and Martin J. Townby James Gibson for appellant and Martin J. Town-send for respondent.

No. 60. William McKay, appellant, vs. the city of Builsio, respondent,—argued by John C Strong for appellant and Frank R. Perkinsflor respondent. No. 62 Mary A. Harris et. al., administratifix, &c., appellant, vs. Nicholas Uebelhoor, respondent.—Ar-gued by Frank R. Perkins for appellant and submit-ted for respondent.

tea for respondent.

No. 91. Thomas Sims, respondent, vs. Edas Sims, appellant. Argues by A. G. Rice for appellant and John C. Strong for respondent. Case still on. Motion calendar for Tuesday, October 1.—Nos. 353, 361, 362, 364, 366 and 321. Day alendar for Tuesday, October 1.—Nos. 126, 127, 128, 25, 35, 50, 98 and 116.

A DUMB PLAINTIFF.

Henrietta Noati, of No. 130 Bleecker street, was charged yesterday by James Coffin, a deal mute, of No. Seventeenth atreet, with having stolen his and chain. Dr. Gallaudet interpreted for the mant, and Judge Mergan locked Henrietta up TEUTONIA'S TRUSTEES.

JUDGE OFFERBOURG HOLDS THEM FOR TRIAL IN DEFAULT OF \$1,000 BAIL EACH.

The examination in the case of the Teutonia I trustees was concluded yesterday afternoon in the Jefferson Market Police Court. Judge Otterbourg, in calling the case, said that he proposed to bring the proceedings to a close at as early a date as possible. Counsel on either side expressed their willingness to further his efforts. Charles Wendt was called to the stand. He testified that he had been engaged in examining the books of the bank from the time of the receiver's appointment, and had discovered discrepancies in the accounts, about which he conversed with the trustees; they admitted having received money from Habn and having had various private transactions with him; witness was positive that mentioning any special amount; in June last he felt sure that something was wrong and looked over the books from the opening of the agree with money which had been paid to George Opdyke, Henry Moran and others for the purchase of bonds; some money had been taken from the bank after April 18, 1874; the trustees never spoke of having taken money in 1874 and made no explanation with regard to the money they had received at any

The Court-Do you mean that when you charged these men with fraud they attempted no explanation? Witness-They attempted no explanation on the subject whatever; Mr. Nicholas Seagrist and Mr. Merz came to the bank, and each paid a check of \$571 50, to repay his share of \$8,000 on defaulted bonds of the tewn of Springpore; Mr. Seagriss asked witness in return for his check for certain coupons of

the aloresaid bonds, and as they were not on the books of the bank he gave taum to him; about one-hall of the trustees paid the assessment of \$571.00 on the defaulted bonds.

After a short cross-examination, counsel for the defence rose to close the cane. "I would have made a prejatory motion," such Mr. Fellows, "for the discourge of Messra herr and Seagrist, but as there is no evidence against them I prefer making a sweeping made to the trustees the compliant of the substitution of the substitution of the first them and the prefer making a sweeping at the substitution of the first thing that invalidates a case—the definite and affirmative proof that a crime has been committed. The second, which is reasonable proof of guilt, is also wanting, as I will show. The testimony furnished is that of a confessed accomplice, who admits that he went into the secretaryship to rob the bank, and that his slevation was part of a conspiracy to defraud the depositors. He says that he forged and faisified records and added to his crimes annually by preparing a false statement and sworaring before the Bank Department that it was correct. Romember this on an states here on oath that twice every year he divided the sums he had fraudulently extracted from the bank with the trustees; yet he went as regularly with a brazen from before the authorities and sweet to the honesty and purity of all his flancaus transactions. A confessed thief, lorger and perjurer, what reliance can be placed upon what Michael Hahn says in court? He says that he has divided the sums he acquired among all the trustees, and refers to the minutes of the July meeting in the year 1874 as proof. But what are take minutes? His own, written by himself, and, as he admits, some time after the meeting. They are no more credible than his swidence, for are not they both his own production? He has itsilied records and sworn te take reports. Why should nik minutes be true? This of itself is sufficient to premise the prevent your holding the prisoner; by the went of the ser

coution. No matter now good or bad tue character of the witnesses called by the proacter of the witnesses called by the proacter of the witnesses called by the proacter of the people of the people as a matter of necessity, as being note to furnish the best evidence at the people's disposal in this case. I wave considered the testimony very carefully and followed the counsel closely in their examination and argument. My decisies on the uncontradicted testimony of the procedules is that an offence has been committed, and that there is probable cause that the parties charged therewith are guilty thereof."

The thricon prisoners were then held for trial in \$1,000 bail.

COOPER-MARSHALL

The hearing in the reference suit of Cooper vs. Cooper, for the annulling of a former decree of divorce, was continued yesterday morning, before Brondway. Mr. William Lippincott, a witness in the former divorce case, was called to testily. Witness said that he had been induced to testify in are. Cooper's layer to obtain the divorce from her husband, as he knew that Cooper was unfaithful to his wile. On this account Mr. Lippincett was willing to become a witness in the divorce suit. Witness admitted that Mr. Marshail did endeavor to induce him to swear that he would not believe Mrs. Pitcher on

mitted that Mr. Marshall did endeavor to indees him is swear that he would not believe Mrs. Pitcher on onth.

In the afternoon session Mr. Ten Eyck continued the examination of Mr. Lippincest. There was a rumor, said the witness, that he was to receive \$1,200 for his former testimony; he had not received 1,200 sents; he had not received anything; he had talked with Squire Pitcher at Long Branch, from whom he learned the rumor; on the 22d of May, 1867, witness came to New York with Cooper and Fowler to get some fixtures for a store at Long Branch; witness and Gooper went to the theatre, and after that took a waik for exercise; they met some "indies;" they had not gone out with that intention; it was merely a remarkable coincidence.

"A sudden temptation!" said Judge Barbour, whe had been meditating for some time on the evil that was being disclosed. During this examination Mrs. Cooper sat with her handkercinet to her forenead and Mrs. Pitcher looked areund unconcernedly.

Mr. Sermoner then began the cross-examination. Mr. Marshall had never asked witness to testily in behalf of the Marshall family of Mrs. Cooper to anything that was not true. Marshall had never asked him to testily at all. The conversation in Price's harroom was next spoken of At this conversation Cooper and Lippincott were talking about their visit bounces of ill repute. Witness did not remember whether he had ever told Mrs. Cooper about her husband's indicitity before their departure from Long Branch. He stated, however, that Mrs. Cooper knew of it. When cross-examined by Mr. Ten Eyck he admitted that he did net knew this of his own knowledge.

The examination was then adjourned until this

orge.

The exemination was then adjourned until this morning at eleven o'clock.

NO COMPROMISE.

AN UNLUCKY LAWYER'S ENCOUNTER WITH HIS

CLIENT'S WIFE. Matrimonial infelicules are by no means rare, but it is not generally the rule for lawyers to be assaulted while attempting to harmonize them for their clients.
If, however, the statements of Mr. McGilvery to a HERALD reporter yesterday are to be credited, this rule has been broken by Mrs. Hill, of Bridgeport

Last Friday evening I went to Bridgeport to see Mrs.

Last Friday evening I went to Bridgeport to see Mrs. Hill in order to effer terms of compromise in a suit for divorce pending between nersell and her husband, whose agent and antorney I am."

"Who is Mr. Hill ?" was the reporter's question.

"He is a Chinn merchant, at present trading in Heng Kong and Shanghai. He authorized me to sette his departed affairs, and accordingly I have been in communication with his wife for some time. Early on Saturday morning, somewhere about nine o'clock, I went to the Stering House in Bridgeport and was anown into the landlord's parior, and a vice afterward Mrs. Hill came in. She is a fine looking lady of about thirty-eight years of age, very dark and of communding figura. After some general conversation I told her that I was prepared to compremise the difficulties

between herself and her husband, and repeated the offers that had previously been made to her and her counsel, Mr. Amos Treat. My own lawyor, Mr. Wildman, had made these offers, and there was every disposition on our side ior an amicable settlement. Mrs. Hill seemed to scorn the propositions, and was apparently exasperated at the overtures already made.

"You claim to be my friend?" she said.

"You," I replied; "perhaps the best you have in the world."

"Yea," I replied; 'perhaps the best you have in the world."
"Then you would give me all I claim,' she said.
"I cannot do more as the agent of Mr. Hill, besides, he has no more than he ollers you."
"You are a fraud,' she said. "My brother is the only friend I have in the world."
"I have no respect for your brother; neither have the neople of this commenty."
"No sooner had I uttered this remark than Mrs. Hill selzed the tee pitcher near by and struck me on the head twice with it, cutting me soveroly. I endeavored to grasp her, but she cluded me. Before I could prevent her further assault size struck me on the right hand and wrist, the force of the blow breaking the pitcher and cutting my hand severely."

Here Mr. McGilvery showed the reporter his hand, which was somewhat the worse for the contact with the pitcher.

A doctor was called by the lawyer, who dressed his wounds, and without further efforts at a compromise, which seemed such up-hill work, the unfortunate Mr. McGilvery made his way to New York.

RAPID TRANSIT.

INDIGNATION AT THE NEGLIGENCE AND EX-ACTIONS OF THE NEW YORK ELEVATED BAIL-BOAD COMPANY-THE THIRD AVENUE LINE-THE QUESTION OF HEATING THE CARS-FU-TURE PROSPECTS.

The only explanation which could be obtained yesroad Company for the gross outrage perpetrated upon the east side public on Suuday last, in exterting tencent fares during the five-cent bours, was that through the neglect of a certain official the proper orders were not given to the ticket seilers. business-like method of the New York Elevated Railroad Company, according to the estimates of the east side traffic, last Sunday, must have (in-advertisatly, of course,) put from \$500 to \$1,000 more into their pockets than they were legally entitled to, and hundreds of poor workingmen and working women to whom five cents makes con-siderable difference in these times, and who expected to ride for five cents, after having climbed up the high stations preferred rather to pay ten cents than go down again. The incomprehensible negligence of the company thus proved a great hardsnip to thousands of deserving poor people, for the traffic in the five cent hours last Sunday was between ten and twenty thousand. When the excuse given above became known to the patrons of the east side road yesterday they became either very indignant or very thin," others declared that the company, if it could manner, should be held to a legal responsibility for this flagrant violation of the provision of the Rapid Transit Commissioners forbidding them to charge more than five cents during the cheaper hours. The company had to give a penal bond in \$250,000 for their strict compliance with the stipulations imposed spon them by the Rapid Transit Commissionare and the hope was fronty expressed that the legal not only the return of the amount of excessive fares a proper penalty for their violation of the law. The company promise that hereafter no such "mistake" will occur.

a proper penalty for their violation of the law. The company promise that hereafter no auch "mistake" will occur.

The east side stations above sixty-seventh street, the present terminus of the road, will be situated as follows:—deventy-sixth street, Eighty-tourth street, Eighty-tourth street, Eighty-tourth street, Eighty-tourth street, Ildth street, 120th street, 120th street, 116th street, 116th street, 120th street, 120th street, 116th street, 116th street, 120th street stations until the expension above Sixty-seventh street is fearfully behind and 120th street stations until the expensions of the public traffic snould require it. The work on the stations above Sixty-seventh street is fearfully behind and the fermer unpleasant experiences of the public will doubtiess be repeated of seeing the road structure complete but unavailable for use because not even temporary stations have been provided. The next section of the road to be opened as Eighty-nisth street, and it is anneunced on behalf of the company that trains will run to that point by the list of November. Meanwhile, nothing whatever is being done to the Seventy-sixth, Eighty-fourth and Eighty-nisth street stations, and the public will have again to go through their old miseries.

The present arrangement of running trains alternately to Sixty-seventh atreet and to the Grand Contral Depot does not seem to meet the demands of the cast side public. Hundreds get into the wrong trains, and, moreover, it is regarded as unjust to the leurithms of the passengers of the cast side road to compelted the mat train to Sixty-seventh street in order to accommodate the one-flith who go to threepol, if all trains went to Sixty-seventh street (passengers for the depot being transferred at Forty-second street and Third avenue; an immense saving of time as well as of inconvenience could be effected to many thought of the road is still studying it over.

Sull on second Avenue Fievaled line is deepening every day as the assecuniorite of the Third avenue sations and cars are

a densely populated district, particularly on its line below Twenty-third street, is one winch is argenty needed and of whose success nobody entertains any doubt.

THE REATING OF THE CARS.

While the Metropolitan Railway Company are now about to run steam pipes under the seats in order to heat all their cars comfortably as soon as the coid weather sets in, the New York Elevaned Railroad Company, according to Mr. Cewing, their secretary, will put in the steam tubes in their new cars, but, it there is no time to public having sufficiently expressed its disgust at the very idea of stoves, Mr. Cowing said there was no provision in the constitution of this free country which prevented a man from grumbling as much as he pleased. The company has got used to the grumbling of the public; in lact, they rather liked it.

SUMMY TRAINS ON SIXTH AVENUE.

Sunday trains to and from the Park being carnestly desired by thousands of the patrons of the Metropolitan road, the officers of the company were asked yesterday way no Sunday trains were run. The reasons given were that the churches along the line had raised earnest eliphonicus, sand that Sunday was alse needed for overhauling the cars, as the road had no car and work shops sufficiently extensive to have all this labor done on week days. As soon as such are desired by the sunday raffic to and from the Park will be immense.

The Success of rapid transit. even in the present stage of its intancy, itside to each from the Park will be immense.

The success of rapid transit.

The enormous success of rapid transit. even in the present stage of its intancy, itside to each from the Park will be immense.

The success of rapid transit, even in the present stage of its intancy, itside to predictions made for years by the Harkan. The Mecropolitan road is carrying about forty-tour thousand, The Ninth avenue ins carrying about for

THE METBOPOLITAN ELEVATED BAILBOAD. will not indict the officers of the Metropolitan Elevated Railroad, but will embody the result of their investigation into the slieged nuisance in a present-ment to the Court.

FITZ JOHN PORTER'S CASE.

The Board of army officers appointed by the President in the case of Fitz John Porter will resume its sessions to-day. The session of to-day will be held in the Army Building, corner of Houston and Greene streets, at cleven A. M.

It is expected that the petitioner, General Perter, will conclude his case (he having had the opening) in two or three days. The case for the government in rebuttal will then begin. The following constitute the Beard:—Major General John M. Schoffeld, Brigadier Beard:—Major General John M. Schofield, Brigadier and Brevet Major General Alired H. Terry, Colonel and Brevet Major General George W. Getty. Ass Bird Gardner, Judge Advocate, is Recorder, and, under decision of the Board, acts as counsel for the government. General Porter is assisted by the following counsel:—John G. Bullitt, of Philadelpina; Joseph H. Choate and Ausen Maitby, of New York.

After to-day's Session in the Army Buildings the Board will continue its further daily sessions at Gevernor's Island, on invitation of Major General Hancock, commanding Minitary Division of the Atlantic, who has caused solutable rooms to be prepared there.

Access to the Island will be had by the government beat from the barge office, Battery, at ten minutes past sine, half-past ten and eleven A. M.

Works Campbell:—

DEPARTMENT OF PUBLIC WORKS,
COMMISSIONER'S OFFICE, ROOM 19 CITY HALL,
NEW YORK, Sept. 28, 1878.

HOS. JOHN KELLY, Comptroler:—
SIR—Aithough it seems scarcely necessary to make any answer to the long and lame delence contauted in your letter of the 11th inst., in reply to mine of the 22d uit. In regard to certain payrolls, yet, in order that the facts touching the true question at issue may remain correctly set forth upon the records of the department, I will briefly notice a few leading points.

sease may cannot objectly set forth upon the records of the department, I will briefly notice a few leading points.

THAT FRAUDULENT BILL AGAIN.

First—Your letter is remarkable for the absence of any allusion to my principal charge, viz., that, after accusing me of falsilying payrolls after the manner of a "former commissioner," you paid the rolls in full in regular course before awaiting my reply, clearly snowing that you knew the statement to be untrue. This evasion may be a convenient way of getting over the dilemma, but it is too transparent to admit of success. You cannot escape from the charge and conviction under cover of Patrick Barnes' pump and his fraudulent bill of \$13.25 (on which you dwell at length without, however, stating the direcumstances or amount involved), or by digressions on the cost of repairs to pavements, about which you and your informants are altogether in error, and upon your economies in the Beard of Apportionment in reducing my estimates for improving the disgraceful pavements in this city and for pretecting and strengthening the Croton Aqueduct and upon other matters not pertinent to the main question.

Because I repelied your aspersions with just indignation you speak of expressions in my letters as "not in use with gentlemen." Is it the practice among gentlemen, according to your standard, to make a charge of the mest outrageous character and immediately thereafter to admit by their own acts that they know it to be false, and yet not have the manifiness to applicable for the offence? How can we expect purity in our city government when one of its highest officers thus violates the first principles of justice and honor?

PURZELY OFFICIAL.

Second—Yeu say, "I maye very little leisure to de-

honor?

FURELY OFFICIAL.

Second—You say, "I have very little leisure to devote to answering personal attacks," and again, "I care nothing personally for your accusations of untruthrulness." This issue is in no respect personal. Your charge against me of laisifying payrolls was made by you officially; my reply was an official document, and all correspondence on the subject is official and must remain as such upon the records of the departments. A QUESTION OF TIME.

A QUESTION OF THEE.

Third—You say that after the lapse of several days the men (whom you had pronounced "fletitious") were paid their wages. There was not a lapse of several days. You paid the regular gangemen on the 13th of August and the "fletitious" men on the following

were paid their wages. There was not a lapse of several daya. You paid the regular gangmen on the 13th of August and the "dicutious" men on the foliowing day.

THE CHARGE OF EXTRAYAGANCE.

Fourth.—You pass by without a single word of allusion to, or apology for, your charge of extravagance in the payroll of engineers and assistants for maintenance of boulevard roads and avenues, which I had shown to be without any foundation.

Fifth.—The names of the laborers which followed on the payroll immediately alter those of the last gang had been returned in the same manner on seven previous rolls, and the men had been requirily paid by you, so that your objection could only have been got to my notice, without an allegation of fraud. The animus is too giaring to admit of delence.

THE LEXINGTON AVENUE PAYAMENT.

Sigth.—Your assertions as to the extravagant cost of repairs to payenesis are ontirely at variance with the facts. You mention particularly the work in Lexington avenue. As I reside on that avenue I saw this work daily myself, and perhaps it is not too much to claim that I am as good a judge as you or your informants of its character and cost. I know that the work was well and faithfully done, and taking into account the eight hour system and the increased cost of thing new work to that already done, it will compare in cost not unfavorably with contract work. Your assertions that parements can be relaid at sixteen caute per square yard is absurd. A considerable amount of such work work work the been done this class of the lact that I have in several instances proved the contrary by actual measurement of the area paved. Your assertions that the repairs generally are extravagantly done cannot stand a moment is face of the lact that I have in several instances proved the contrary by actual measurement of the area paved. Your assertions that the repairs generally are extravagant to see this as no previous time has more substantial work been done toward their restoration for an equal amount of money.

ECONOMY, TRUE A of being regulated, graded, flagged and paved at a cost of several hundred thousand dollars has been improved and made a pleasant suburban road at a cost of a few thousands, to the satisfaction of all citizons. The fact is patent that in many instances work of the same kind and extent is now done at one-quarter the cost, and in some cases the difference is even greater. The Board of Assessors can give you valuable information on this subject, and taxpayers very well understand what a reduction of two or three millions per ansum imports, no matter whether made on the tax levy, bond account or assessments, for it all comes out of their pockets.

The following is a statement of all expenditures by this department for the past eight years:

1871. \$11,761,001 1876. \$4,338,095.

1872. \$0,826,112 1877. \$3,988,763.

1873. \$1,760,831 terestimated) 2,800,000.

1875. \$5,919,762.

In the face of the facts and figures above set forth you make this remarkable assertion in your mat letter:

"I regard with equal interest all the departments of the city government. As a coneral rule, so far as is known to me, the several departments conduct their unsiness in the interest of economy. Yours, in my opinion, is an exception."

I have made ne aliusions to nor comparisons with other departments. How much truth there is in your assertion regarding mine let candid men and the results and records of my administration answer. Respectfully,

Commissioner of Public Works.

SHOCKING TRAGEDY.

ROOM—NO REASON ASSIGNED FOR THE SUI-CIDE—HER DAUGHTER'S WOE.

YOUNG MOTHER FOUND HANGING IN HER

The second floor of a neat looking three story frame tenement house at No. 1,085 Pacific street, near Classuicide yesterday merning. The victim was a young woman named Eudora Savage, the wite of Thomas Savage and mother of two little girm, four and three years of age respectively. The deceased, who was twenty eight years of age, was the daughter of a wealth; farmer named Savage, living at Scranton, Pa. Sn. was married to her cousin seven years ago, and from ail that could be learned among her friends, the

was married to her cousin seven years ago, and, from all that could be learned among her friends, they seemed to have lived happily together as man and the man obtained employment as night watchman on the Long Island Rainroad, his post of duty interip being on Atlantic avenue, within a short distance of the property of the family, having known the nearest watch in owned by a Mrs. Stark, who speaks in high terms of the family, having known then for several years.

At about hall-past six o'clock Miss Jeannette Starg, daughter of the landisdy of the nouse, heard one of the children of Mrs. Savage crying bisterly, and as no one appeared to be surring in the room ahe knocked at the door. Receiving no answer alias Stark intred the knob and pushed back a conair that had been placed against the door on the inside.

A frightful spectante was presented to her gaze, and, with a scream, she exclaimed, "Ob, what a sight!" There, suspended by the neck by three thicknesses of clothes line, which had been made fast above the doorway which led into a small hall bedroom, was the lifeless body of Mrs. Savage. Ather side, passionately kissing the hand of the dead woman, was Alice, a child four years old, crying, "Kiss me, mai Riss me, ma! Why don't you kiss me?" The cries of Miss Stark attracted the attention of others in the house, who appeared upon the scene and removed the children. Dr. Childs, of Grand avenue, was summoned and the body was cut down, and lain gently on the floor, a shawl being laid over the leatures of the dead. When the Hersald Peporier visited the house the body was still in the same position, awaiting the arrival of the Goroner. The deceased, who was oi small stature, was oi dark complexion and rather comely teatures. She was, according to the statement of Mrs. Savay was oid fark complexion and rather comely teatures. She was, according to the statement of Mrs. Savay was oid fark complexion and rather comely teatures. She was, according to the statement of the house. She was rescued from death on one occasio

COMMISSIONER CAMPBELL'S DEFENCE.

A SPICY REJOINDER TO COMPTROLLER KELLI'S

LETTER AND NEW GROUNDS OF ATTACK.

The following letter, in response to a recent communication of Comptroller Kelly's, was yesterday transmitted to that official by Commissioner of Public Works Campbell:

DEPARTMENT OF PUBLIC WORKS,
COMMISSIONER'S OFFICE, ROOM 19 CITY HALL,
NEW YORK, Sept. 28, 1878.

MERCANTILE MISFORTUNES.

GREAT DECREASE IN THE NUMBER OF FAIL-URES-ONLY TRIETY REPORTED FOR THE PAST MONTH-LIABILITIES, \$4,307,072.

The record of failures in this city for the month of September, herewith presented, is a gratifying ox hibit for the commercial community, as it is the smallest list as regards number and the amount of lia bilities for over a year past. There were only thirty failures reported, with aggregate liabilities of \$4,307,072. This favorable showing is generally believed by merchants to be one of the results of the repeal of the Bankrupt act. The modified Assignment law has, however, developed a practice which is greatly deprecated by merchants, and which the late Bankrupt law prevented-preferring certain creditors. Of twenty-five assignments recorded during the past were preferred, leaving in a majority of these cases

no assets whatever for the general creditors.

Compared with the month of September, 1877, the number of failures for the past month is about fifty per cent less, while the aggregate liabilities amount to about the same figures.

Among the failures reported during the month were

the Oxford Iron Company and S. T. Scranton & Co., the National Burglar and Theft Insurance Company, John E. Hoagiand & Sons, building materials; Wheeler, Billings & Co., flour; Joseph Bachman & Sons, silverware; John Dunbar & Ca., packing boxes, and Samuel L. Harris, banker.

LIST OF PAILURES. The following is the list of initures, together with the assets and liabilities, as near as can be ascer-

The following is the list of failures, together with the assets and liabilities, as near as can be ascertained. In cases where information has been refused or no schedules were filed estimates have made based upon information obtained in the trade:

Namerman, Jacob B., stationer, No 1 Park place.

No 2 Park place.

N

Totals \$2,704,417 \$4,307,072

goods at No. 503 Broadway, are endeavoring to compromise with their creditors at twenty-five conts on the dollar. Their lubilities amount to about \$30,000. Todd & Taylor, manufacturing jowellers at No. 9 John street, have failed, and yesterday they made a general assignment, for the benefit of their creditors, to William P. Williams. They were formerly in the employ of Bishop & Rein, and began business May 1, 1875, with a small capital. Depression in business is the main cause of their failure. The liabilities are estimated at \$2,500, and it is thought the assets will realize about \$2,000, mainly in book accounts.

Patrick M. Parke, dealer in whee and liquors at the corner of Grand and Essex streets, made an assignment yesterday to Moses Mehrbach. He bogan business in January, 1873, and bought out ins partner, Mr. Sharkey, in August, 1875; he recently had a branch store at No. 192 East Broadway.

Aaren Leuis made an assignment yesterday to Pelix Jellewis, proferring one creditor, Herman Loewenthal, for \$75.

Patrick Meintyre, of the firm of Meintyre & Tobins, wholesale butchors, applied to Register Little yesterday for his discharge from bankruptcy and the matter cause up yesterday, when opposition was entered by a number of creditors, who were allowed ten days to file speculeations of their objection.

The application of israel A. Barker for his discharge from bankruptcy came up pefore Register Allen yesterday, and as no creditors opposed his petition it will be granted.

There was no opposition on the part of the creditors before Register Allen yesterday to the discharge from bankruptcy of John T. Lynch.

Register Fitch reported favorably en the application for discharge from bankruptcy of John T. Lynch.

Register Fitch reported favorably en the application for discharge from bankruptcy and use type-tenday at the office of Register Little and elected Louis J. Stitch, attoracy, of Na. 4 Warren street, asignee. The schedules presented abowed liabilities to the amount of \$734,000.

ales presented showed intofittee to the distribution of John W. Stout & 738,000.

At a meeting of the creditors of John W. Stout & Brother, produce merchants, or No. 261 Washington street, held yesterday at the office of Register Ketchum, four claims were proved for \$2,309 72 and John P. Mann was elected assignes.

A meeting of the creditors of Christopher Keyes, builder, of Harlem, was held. Schedulos were presented showing liabilities amounting to about \$75,000, and William A. Cummings was elected asignee.

A meeting of the holders of Denver extension bonds and coupon certificates of the Kansas Pacific Railroad, who have deposited their securities with the United States Trust Company, and who are op the United States Trust Company, and who are op-posed to the plan of reorganization proposed by the Jay Gould pool, was held yesterday at room No. II in the Belaware and Hudson building. Os motion of L. It. Meyer resolutions were unanimously adopted ap-proving of the course of Mr. Villaru, receiver of the Benver road, condemning the action of co-Receiver Greeley, and recommending that application be made to the courts for Greeley's removal. A committee of three was appointed to draft a plan of reorganization, to be reported at the next meeting, which will be held on October 13.

THE UNION TRUST FORGERY.

Norman C. Martin, alias George Warren, whose arrest in Onio and subsequent removal to this city was noticed in yesterday's Exaato, was arraigned was noticed in yesterday's Hanald, was arraigned at the Tembs Police Court yesterday, charged with complicity in the tamous \$64,225 forgory of January, 1877. The evidence for the prosecution was not ready and an adjournment was asked and obtained on the strongth of an affinavit made by Dr. S. W. Carney, of the New York Life Insurance Company, to the effect that he was informed and verily believed that Martin initiated the negotiation of the forged check on the Union Trust Company and was the medium through which the check was obtained and presented. The case was set down for Thursday at ten A. M.

CUSTOM HOUSE SEIZURES.

The customs officials seized yesterday one barre of olive oil on the bark Germania, and 25% yards of sitk and a woollen shawl and some handk-rohefs from an emigrant by the steamenip Mesel from Bremen.

One set of jewelry was sent to the seizure room from the Post Office, an attempt having been made to gend it through the mails,

LONGING FOR LIBERTY.

Efforts to Secure Grace Hagar's Release from the House of Mercy.

AN UNUSUAL COURT SCENE.

The Reformatory Institution on the Banks of the Hudson.

Sister Superior Mary, who has charge of the House of Mercy, brought into court yesterday, obedient to an order of Judge Donohue, Grace Hagar, a young inmate of the institution, aged seventeen. Accompany. ing the Sister Superior was another sister, both wearing the customary sombre habiliments of their Order.
A policeman had special charge of the young girl, and possibly in the fear that she might attempt an escape and thus effectually secure her release from the institution without waiting the tedfous circumlecution of habeas corpus proceedings, kept his lynx eyes sharply upon her. Grace sai meantime quietly in a corner of the court room, and was equally vigilant in watching the progress of events in her case. Her pisin brown dress, with ne flounce or other feminine flxing to set it off, and the gray plaid shawl she wore only served to bring in more striking contrast her singular beauty. To a well rounded face and a clear resy countenance were added features of almost Grecian persection of outline, a wealth of brown hair and dark eyes, flashing with keenest in telligence. The only garment at which fastidious lashion would not stare aghast was her hat, of black braid, which, though fastened usder her neck by a piain black ribbon, sat with jaunty grace on her hear. Not far from her sat we ladies, comprising important characters in the dramatis persona, and a young man and his counsel, who are also set down for important parts in the forthcoming drama, of which the prejude has only thus far been spoken. The ladies were Mrs. Van Dorn, who for years has been an employd in the flours of Mercy, and Mrs. Buil, the janitrees of the Thirteenth street Grammar Schoel. The young gentleman was Mr. Charles Conklin, the petitioner in the haceas corpus proceedings, and the counsel for the institution, talked with the Lady Superior. telligence. The only garment at which fastidious

themselves, while Mr. Wheeler H. Peckham, counsel for the institution, talked with the Lady Superior.

PROCEEDINGS IN COURT.

These were very briel. As Judge Donohue was away the parties came before Judge Westbrock, in Supreme Court, Chambers, and patiently awaited the conclusion of a lengthy argument. As soon as the case was finished Mr. Peckham moved to dismiss the writ on the ground of want of jurasdicties, as shown in the papers themselves. Mr. Southworth streamously opposed any such motion, when Judge Westbrock brought the argument to an end by saying that it must be heard before Judge Donohue, who had directed the return to the writ to be made to him personally, and the case was set down for a hearing before the latter Judge at two P. M. to-day. This matter settled, there was some discussion as to the disposition to be made of the girl meastime, Mr. Peckham desiring that she should remain in the institution, and Mr. Southworth asking that she beplaced in the care of the Sheriff. Judge Westbrook directed that she remain in the institution, and thereupon all the parties left the court room.

GRACE HAGAR'S STORY.

While in Court a Hexard representative interviewed Grace Hagar, and to him she told her brief story without hesitation. She said that when she was about all years old her lather and mother died; that she was given then in charge of her aua, Mrs. Charlotte Hagar; that she lived with her till she was twelve years old, when she was placed in the diouse of Mercy.

"Because I was disobedient and wanted my own."

twelve years old, when she was placed in the House of Mercy.

"Why did your sunt send you to the institution?" was among the questions asked her.

"Because I was disobedient and wanted my own way," she answered naively.

In response to other inquiries she stated that she had always had enough to cat, and when sick was well taken care of. She complained, however, of having lately had to work hard in the laundry. She thinks she has a brother and sister living, but does not know where they are. Her aunt will have nothing to do with her. She wants to leave the institution because she thinks they have no business to keep her, and she is able to take care of herself. "I never committed any great sin," she said, "ann I don't know why they should keep me."

Mr. Southworth makes out a cruel case of it. He questions whether there has been a legal commitment of her to the institution. He says that Mrs. Van Dorn alleges that she was crueily treates by being put in a ceil, and on her telling the facts to Mrs. Bull that the two determined to champion her cause and if possible effect her release. Mr. Conkin consented to act as petitioner and they called in his services. He says that Mrs. Buil is willing to take charged he will see to it that she is placed in proper handa. He means to light the case in the courts and has very little doubt that he will wis.

THE HOUSE OF MERCY.

The HERALD reporter called at the House of Mercy, feet of Eignly-sixth street and Hudson River, in the atternoon, and after looking in vain around the high lence for an entrance way, was finally directed by small buy in the street to a large door at one end of the lence, where a bell handle was found. In response to the ring the door was cautiously opened by a portly female, who stands guard in a cort of senty box immediately inside the entrance. After a scruting glance at the visitor, and having been informed that he had business to transact with the sister Superior, the guardian of the great door told the reporter to enter and then escorted him to tha

the great door told the reporter to enter and then encorted him to that portion of the house occupied by the sisters. The place seems to be severely exclusive. A board fence, some twelve or fourteen feet high the sisters with sharp, inhospitable locking spikes encloses the premises, while the atmosphere of the place appears to be lasion with a hunsel, reformatory odor. At the windows were observed from the epiace appears to be lasion with a hunsel, reformatory odor. At the windows were observed from the place appears to be lasion with a hunsel, reformatory odor. At the windows were observed from the place appears to be lasion with a hunsel, reformatory odor. At the windows were observed from the place appears to be busy porting over a volution.

The vortier had not to wait many minutes in the ante-room before the Sister Superior entered. This lady, on being questioned concerning the case of Grace Hagar, replied as follows:—"The young girl was sent to this house some five or six years ago, by her guardians, when she was about eleven years old. She was a very naughty little girl, and had caused much sorrow to her nunt. You may of course be sure that she gave us not a little trouble, also, while here. After remaining with us for three years she was adopted by a lady and was away, say three or four months. The parties sent her back to us saying she was incorrigible, and that they could do nothing with her. We took charge of her again and have had her here ever since, but we never feit that we could recommend her to service."

"It is carried that you put the girl in a cell and treated her with unnecessary harahness."

"It is nail a mistake about her having been in the cell from time to time and put on bread and water. The girl always behaved herself pratty well while wine us, but whom she went out at the time I montioned she did not act at so well. Of course, as I have already intimated, she has given us trouble from time to time, and it is ner own fault if suchas and have had and here here is no severe mode of puni

flee and is desirous of changing. Of course she wants ber liberty and like most girls of her age dislikes reatraint."

THE PENTERNIAL CELL

At his request the likeals representative was then conducted to what is called the lower punishment room, which is situated in the basement, and not laftrom inc kitchen. It is nothing more or less than a dark cell, and in dimensions about nine feet long, six lest wide and lully six feet high. The walls are of brick, filled in with sawdust dontained in wooden receptacles. This, it was explained, was found to be absolutely necessary, as before the walls were filled in with sawdust the unruly lemales, while undergoing solitary punishment, were in the habit of arouning the neighborhood with their screams and also of fliting the air with the vilest epithesia. It was on this account and to prevent the institution from being complained of as a nutsange by the serrounding residents that the cell was constructed. The floor of the cell is boarded, and as it is located not far from the boiler there is no lear of the occupent suffering from cold in the winter time. It was stated, however, by the sisters, that the cell is frequently unused for months at a time. Grace, they said, was never in it but once, three or loar years ago, and that then she was only confined there for about two days. No retractory inmate need remain in the dark cell unless it is her own wish to do so, as the moment she expresses penitence for her conduct she is removed to the upper punishment room, which is a large arry apartment at the top of the house and furnished with a grated window and bedeiothing.

THE BLUE DRESS.

It appears that the inmates are divided into classes

THE HOUSE THAT PARSA.

It appears that the immaces are divided into classes and each class wears different colered clothing. The time dress signifies the lowest of most deprayed class, but its members case, by good conduct, secure promotion to a higher class, when they pars allowed to discord the bine habiliments. The Sisters say that Grace at one time did wear too blue dress as a necessary consequence of her having to be panished, but that she has for some time past been wearing the brown dress, which bespeaks improved behavior. The reporter was also bespeaks improved behavior. The reporter was also besisted at the laundry work eally because she asked permission to do so.